REMARKS/ARGUMENTS

Claims 1-3, 5 and 7-40 are currently pending in the application. Claims 4 and 6 are hereby canceled without prejudice. Claims 1-40 were rejected in the Office Action mailed May 23, 2007 (hereinafter referred to as "Office Action"). A petition for a three month extension and a credit card authorization to pay the extension fee are being submitted herewith to extend the time to respond to the Office Action until November 23, 2007. In view of the following remarks and amendments, applicant respectfully requests a timely Notice of Allowance be issued in this case.

Claim Rejections under 35 U.S.C. § 103(a)

The Office Action rejected claims 1-40 under 35 U.S.C. § 103(a) as being unpatentable over by U.S. Patent No. 6,772,146 to Khemlani et al. (hereinafter referred to as "Khemlani") in view of U.S. Patent No. 6,772,132 to Kemp, II et a. (hereinafter referred to as "Kemp"). Applicant respectfully submits that claims 1-3, 5 and 7-40 are not obvious over the cited art and are, therefore, allowable under 35 U.S.C. § 103(a) for the reasons stated below.

Claims 1, 26 and 40

Applicant respectfully submits that the cited references do not disclose, teach or suggest:

> *calculating an opening value trend for the time interval* using a market trend indicator and the opening values for the investment, wherein the opening value comprises a value of the investment at a beginning of a time interval;

> *calculating a closing value trend for the time interval* using the market trend indicator and the closing values for the investment, wherein the closing value comprises the value of the investment at an end of the time interval; and

> *displaying a visual favorable/unfavorable trade indicator for the time interval based on a comparison of the opening value trend for the time interval to the closing value trend for the time interval for the investment*, wherein the visual favorable/unfavorable trade indicator for the time interval is *a first color whenever the closing value trend for the time interval is greater than the opening value trend for the time interval* and the visual favorable/unfavorable trade indicator for the time interval is *a second color whenever the closing value trend for the time interval is lower than the opening value trend for the time interval*.

Khemlani merely discloses "an information service for providing financial information to issuers" (col. 1, lines 16-19) that aggregates financial information from multiple sources (col. 1, lines 36-52). Despite the same lengthy portions of Khemlani cited in the Office

Action (col. 1, line 55-col. 2, line 21; col. 4, line 12-col. 10, line 67; col. 20, lines 1-65), Khemlani does not disclose, teach or suggest the use of a two color visual favorable/unfavorable trade indicator or an "opening value trend for the time interval" or a "closing value trend for the time interval" or a comparison of those trends.

In fact, the term "trend" is only used three times in Khemlani: (1) "This makes monitoring of, for example, trends in stock prices for one or a group of stocks a time consuming task" (col. 1, lines 29-31); (2) "FIG. 2i shows Intraday Prices module 226 which displays the industry trends and the volume of trades of the external user's company's stock in a graphical format" (col. 10, lines 46-48); and (3) "T_end" (Figure 2aaa (no detailed description)). Applicant respectfully submits that these uses of the word "trend" in Khemlani do not disclose, teach or suggest the calculation of an opening value trend for a time period and a closing value trend for the time period, or displaying a visual favorable/unfavorable trade indicator for the time interval based on a comparison of the opening value trend to the closing value trend for the investment as recited in claims 1, 26 and 40 as amended.

The first instance is in the background and merely states an example of a problem – monitoring trends in stock prices. There is no indication of what type of stock price trends are to be monitored or that Khemlani monitors stock price trends or compares stock price trends.

The second instance merely refers to a graph displaying intraday stock prices, which does not disclose, teach or suggest (a) calculating an opening value trend for the time interval using a market trend indicator and the opening values for the investment, wherein the opening value comprises a value of the investment at a beginning of a time interval, (b) calculating a closing value trend for the time interval using the market trend indicator and the closing values for the investment, wherein the closing value comprises the value of the investment at an end of the time interval, or displaying an indicator comparing those trends.

The third instance is not described in the written description, but Figure 2aaa shows a series of white oriented triangles within black circles. There is no identification of the type of trend being shown. It would appear that the trend shown in Figure 2aaa relates to the asking price based on the blocking and arrangement of the information in the Figure. An asking price trend does not disclose, teach or suggest (a) calculating an opening value trend for the time interval using a market trend indicator and the opening values for the investment, wherein the opening value comprises a value of the investment at a beginning of a time interval, (b) calculating a closing value trend for the time interval using the market trend indicator and the closing values for the investment, wherein the closing value comprises the value of the investment at an end of the time interval, and (c) displaying a visual favorable/unfavorable trade indicator for the time interval based on a comparison of the opening value trend for the time interval to the closing value trend for the time interval for the investment, wherein the visual favorable/unfavorable trade

indicator for the time interval is a first color whenever the closing value trend for the time interval is greater than the opening value trend for the time interval and the visual favorable/unfavorable trade indicator for the time interval is a second color whenever the closing value trend for the time interval is lower than the opening value trend for the time interval. Moreover, there is no indication of which triangle or favorable or unfavorable. Furthermore, the term "color" is not used in Khemlani.

The Office Action also stated that "Khemlani fail[s] to explicitly teach displaying a visual favorable/unfavorable trade indicator comparing the opening value trend to the closing value trend for the investment", but stated that Kemp discloses a visual favorable/unfavorable trade indicator and that it would have been obvious to modify Khemlani based on Kemp (Office Action, page 2, line 23-page 3, line 11). More specifically, Kemp discloses "a dynamic display for a plurality of bids and for a plurality of asks in the market for the commodity and a static display of prices corresponding to the plurality of bids and asks" (col. 3, line 13-16). The market depth (current bid and ask prices and quantities in the market) is displayed "on a vertical or horizontal plane, which fluctuates logically up or down, left or right across the plane as the market price fluctuates" (col. 3, lines 56-61; Figures 3-5).

Applicant respectfully submits that Kemp does not disclose, teach or suggest (a) calculating an opening value trend for the time interval using a market trend indicator and the opening values for the investment, wherein the opening value comprises a value of the investment at a beginning of a time interval, and (b) calculating a closing value trend for the time interval using the market trend indicator and the closing values for the investment, wherein the closing value comprises the value of the investment at an end of the time interval. In fact, Kemp does not calculate any trends; instead, Kemp displays the raw information so that traders "can see trends in the orders in the market" (col. 5, lines 49-50, lines 62-65). There is not other mention of "trend" in Kemp. As a result, Kemp does not cure the deficiencies of Khemlani.

In addition, applicant respectfully submits that Kemp does not disclose, teach or suggest displaying a visual favorable/unfavorable trade indicator for the time interval based on a comparison of the opening value trend for the time interval to the closing value trend for the time interval for the investment, wherein the visual favorable/unfavorable trade indicator for the time interval is a first color whenever the closing value trend for the time interval is greater than the opening value trend for the time interval and the visual favorable/unfavorable trade indicator for the time interval is a second color whenever the closing value trend for the time interval is lower than the opening value trend for the time interval. Kemp discloses current bid prices and asking prices in a dynamic visual format, but it is up to the trader to decide if the data shown represents a favorable or unfavorable trading opportunity (col. 5, lines 49-50, lines 62-65). In addition, Kemp mentions the use of colors, but the colors represent the status of the data (waiting, failed or updated) (col. 5, lines 31-36) or are used to distinguish between the columns of data (col. 7, lines 42-45). Kemp does not disclose, teach or

suggest displaying a colored visual favorable/unfavorable trade indicator for the time interval based on a comparison of the opening value trend for the time interval to the closing value trend for the time interval for the investment. As a result, Kemp does not cure the deficiencies of Khemlani.

As a result, applicant respectfully submits that the cited references do not disclose, teach or suggest all the elements recited in claims 1, 26 and 40 as amended. Accordingly, applicant respectfully submits that claims 1, 26 and 40 are not obvious or the cited references and are, therefore, allowable under 35 U.S.C. § 103(a). Applicant respectfully requests that the rejection of claims 1, 26 and 40 be withdrawn.

Claims 2-3, 5, 7-25 and 27-39

Applicant respectfully submits that claims 2-3, 5, 7-25 and 27-39 depend from claims 1, 26 and 40 which are allowable for the reasons stated above, and further distinguish over the cited references. In addition, applicant respectfully submits that the cited references do not disclose, teach or suggest repeating the claimed steps for different time intervals" as recited in claims 20-22. Claims 2-3, 5, 7-25 and 27-39 are, therefore, allowable under 35 U.S.C. § 103(a). Accordingly, Applicant respectfully requests that any rejection of claims 2-3, 5, 7-25 and 27-39 be withdrawn.

Conclusion

For the reasons set forth above, applicant respectfully requests reconsideration by the examiner and withdrawal of the rejections. Applicant submits that claims 1-3, 5 and 7-40 are fully patentable. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the examiner has any questions or comments, or if further clarification is required, it is requested that the examiner contact the undersigned at the telephone number listed below.

Date: November 23, 2007   Respectfully submitted,

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